

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.**

CIVIL APPLICATION No. 1274 of 2002
IN
SECOND APPEAL St No.35978/1999.

Abdul Hamid .. Applicant.

Vs.

Salamabibi Hajimiya. ..Respondents.

Ms. Deepa Sawant for Applicant.

Ms. Sonavi Dimple h/f R.S.Datar
for Respondent no.1.

**CORAM: S.B.DESHMUKH,J.
DATED: 22ND AUGUST,2006.**

P.C.:-

1] Heard the learned Counsel for the parties.

2] By this Application, the Applicant is seeking condonation of delay of about 245 days occurred in filing Second Appeal in this Court. The explanation for delay is tendered in para no.10 of the Application. According to the Applicant, he was not aware regarding the Judgment and decree passed by the First Appellate Court on 25th November,1998. On perception the Applicant filed an Application and after receiving certified copies filed this Application alongwith Second Appeal in

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this Court. There is no reply filed on behalf of the Respondents. The statement made by the Applicant in para no.10 therefore, remain uncontroverted. Delay is properly explained. No mala-fides are alleged by filing counter-affidavit by the Respondents. In this view of the matter, I am inclined to condone delay of about 245 days occurred in filing the Second Appeal.

3] Civil Application is,therefore, allowed.
Delay of 245 days in filing Second Appeal is condoned.

4] Second Appeal (St) No.35978/1999 be listed for admission after two weeks.

[S.B.DESHMUKH,J.]